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BUMBO (PTY) LTD.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

WENDY D. WHITSON, etc., et al.

Plaintiff,

vs.

BUMBO, et al.,

Defendants.

Case No. CV-07-5597 CW

DECLARATION OF JOHAN
NICHOLAS BUITENDACH IN
SUPPORT OF BUMBO (PTY)
LTD.'S *AMENDED* MOTION TO
SET ASIDE DEFAULT, QUASH
SERVICE, DISMISS FOR
INSUFFICIENT SERVICE OF
PROCESS AND LACK OF
PERSONAL JURISDICTION AND
FOR SANCTIONS

I, Johan Nicholas Buitendach, declare:

1. I am the Owner of Bumbo (Pty) Ltd. This declaration is submitted in support of Bumbo (Pty) Ltd.'s motion to dismiss for insufficient service of process and lack of personal jurisdiction. I have personal knowledge of the facts attested to in this declaration, except for those facts stated upon information and belief, and, as to those facts, I believe them to be true. If called upon to do so, I could and would competently testify to all matters contained herein.

2. Bumbo (Pty) Ltd. is a manufacturing company located in South Africa which manufactures the Bumbo Baby Sitter, an infant seat.

3. Bumbo (Pty) Ltd. manufactures the Bumbo Baby Sitter pursuant

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1 to a manufacturing agreement with a separate legal entity, which trades as
 2 Bumbo International. Bumbo International markets and distributes the Bumbo
 3 Baby Sitter to various markets world-wide.

4 4. Bumbo (Pty) Ltd. is a private company which has been organized
 5 under the laws of South Africa and has its principal place of business in
 6 Pretoria, South Africa.

7 5. Bumbo (Pty) Ltd.'s one and only manufacturing plant and its
 8 corporate headquarters are located in Pretoria, South Africa.

9 6. The Bumbo Baby Sitter is manufactured and assembled entirely in
 10 South Africa by Bumbo (Pty) Ltd.

11 7. All employees of Bumbo (Pty) Ltd. are employed at its
 12 manufacturing plant or corporate headquarters in Pretoria, South Africa.

13 8. All officers and directors of Bumbo (Pty) Ltd. also work and reside
 14 in South Africa.

15 9. Bumbo (Pty) Ltd. does not now have and never has had any office,
 16 warehouse or manufacturing facility in the states of California or Texas, or any
 17 place else in the United States.

18 10. Bumbo (Pty) Ltd. does not now have and never has had any
 19 employees in the states of California or Texas, or any place else in the United
 20 States.

21 11. Bumbo (Pty) Ltd. does not now have and never has had a business
 22 license in the states of California or Texas, or any place else in the United
 23 States, and has never been registered to do business in any place in the United
 24 States.

25 12. Bumbo (Pty) Ltd. does not now own and never has owned any real
 26 or personal property in the states of California or Texas, or any place else in the
 27 United States.

28 13. Bumbo (Pty) Ltd. does not now maintain and never has maintained
 a bank account in the states of California or Texas, or any place else in the

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1 United States.

2 14. Bumbo (Pty) Ltd. does not now have and never has had a
3 California or Texas telephone number, or a telephone number in any other place
4 in the United States.

5 15. Bumbo (Pty) Ltd. does not now have and never has had a mailing
6 address in the states of California, or any place else in the United States.

7 16. Bumbo (Pty) Ltd. has never paid any taxes in the states of
8 California or Texas, or any place else in the United States.

9 17. Bumbo (Pty) Ltd. has never conducted any meetings of its board of
10 directors in the states of California or Texas, or any place else in the United
11 States.

12 18. Bumbo (Pty) Ltd. does not maintain a sales force in the states of
13 California or Texas, or any other place in the United States.

14 19. Bumbo (Pty) Ltd. does not now advertise and never has advertised
15 in the states of California or Texas, or any place else in the United States.

16 20. Bumbo (Pty) Ltd. does not now have and never has had any agents
17 for service of process in the states of California or Texas, or any place else in
18 the United States.

19 21. Bumbo (Pty) Ltd. does not now have and never has had any
20 distributors in the states of California or Texas, or any place else in the United
21 States, who are authorized to accept service of process on behalf of Bumbo.

22 22. I am informed and believe that a company called Wartburg
23 Enterprises, Inc., located in Conroe, Texas, is a distributor of the Bumbo Baby
24 Sitter in Texas. Wartburg Enterprises, Inc. is not the sole distributor of the
25 Bumbo Baby Sitter in the United States.

26 23. Bumbo (Pty) Ltd. and Wartburg Enterprises, Inc. are separate
27 companies and do not share common shareholders, officers, directors,
28 employees or offices.

24. Wartburg Enterprises, Inc. is not authorized by Bumbo (Pty) Ltd.

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1 to accept service of process on behalf of Bumbo (Pty) Ltd.

2 25. I am informed and believe that a certain Dione Buchanan received
3 a copy of the summons and complaint in this matter at Wartburg Enterprises,
4 Inc.'s facility located at 12248 FM 1485, Conroe, Texas 77306.

5 26. Dione Buchanan is not an owner, officer, director or employee of
6 Bumbo (Pty) Ltd.

7 27. Dione Buchanan is not authorized by Bumbo (Pty) Ltd. to accept
8 service of process on behalf of Bumbo (Pty) Ltd.

9 28. Bumbo (Pty) Ltd. does not maintain any offices or employees at
10 12248 FM 1485, Conroe, Texas 77306.

11 I declare under penalty of perjury under the laws of the United States of
12 America that the foregoing is true and correct.

13 Executed this 31 day of December, 2007 at

PRETORIA South
AFRICA

14
15
16 Johan Nicholas Buitendach